

Town Board Minutes

October 20, 2008

Meeting No. 34

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20th day of October 2008 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matters:

- Town facility at 3949 Walden Avenue
- former Depew Library building on Columbia Avenue

Chowaniec, Lee, spoke to the Town Board on the following matters:

- van service for Affordable Senior Housing project
- 2009 Budget
- Benderson project on Transit Road

Stachowiak, Alan, spoke to the Town Board on the following matters:

- disrepair of curbs & road on Glendale Drive
- weekly cleaning of streets
- plowing of sidewalks on Broadway
- flight pattern of airplanes

Connors, Mike, representing the developer of Affordable Senior Housing:

- possible van service for the residents of the Affordable Senior Housing project

Fronczak, Mike, spoke to the Town Board on the following matters:

- building permits issued for Pleasant Meadows Subdivision

Badding, Evelyn, spoke to the Town Board on the following matter:

- truck traffic on Ransom Road

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons to identify projects which would benefit low to moderate income persons in the Town of Lancaster.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	SUGGESTED PROJECT
Roy Schneggenburger	pipe drainage ditches on Stony Road and stripe Stony Road
Dan Beutler	sidewalks on South side of William Street and pipe ditches on Stony Road
Lee Chowaniec	sidewalks on south side of William Street
Mike Fronczak	questions

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPIAK, AND CARRIED, the public hearing was closed at 8:46 P.M.

The Town Board, later in the meeting, adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

October 20, 2008

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and
the Planning Board held October 6, 2008 and the Regular Meeting of the Town Board held
October 6, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., has
requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the following addition to the membership of the Bowmansville Volunteer Fire Association:

ADDITION - Probationary Active Member:

Fred Kirisits
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
October 8, 2008 has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individual:

ADDITION:

Laura Rott
Tonawanda, New York 14250

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing to take comment on proposals for the Town application for Erie County Community Development Block Grant funds which are administered through a consortium of Erie County Governments, and

WHEREAS, after said public hearing the Town Board deems it in the public interest to submit an application for the following projects:

- 1) Sidewalks on the South Side of William Street

NOW, THEREFORE, BE IT

RESOLVED, at a meeting of the Lancaster Town Board held on October 20, 2008, the Board authorized Robert H. Giza, Supervisor, to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of ECCDBG:

- 1) Sidewalks on the South Side of William Street

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board, on behalf of all the Special Districts and Special Improvement Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the improvement was charged in proportion to the amount of benefit conferred, and

WHEREAS, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That a Public Hearing is hereby called and shall be held on the 3RD day of November 2008, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 2009, and to hear all persons interested in the subject matter thereof, and concerning the same, and

2. That a Legal Notice of said Public Hearing be published in the Lancaster Bee on October 23, 2008, which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than ten (10) nor more than twenty (20) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
UPON THE 2009 SPECIAL DISTRICTS BUDGET**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster, New York, has completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following districts for the year 2009:

Consolidated Water District

Consolidated Lighting District Number 1

Fire Protection District

Refuse and Garbage District

and,

FURTHER NOTICE IS GIVEN, that a Public Hearing on such estimates and Assessment Roll will be held on November 3, 2008 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

**BY ORDER OF THE: TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN, Town Clerk

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, Robert H. Giza, Budget Officer of the Town of Lancaster, on
September 30, 2008, duly filed the Tentative Budget of said Town for the fiscal year beginning
January 1, 2009, with the Town Clerk of said town.

NOW, THEREFORE, BE IT

RESOLVED, that the said Tentative Budget is hereby approved and shall become
the Preliminary Budget of the Town of Lancaster for the fiscal year beginning January 1, 2009,
and

BE IT FURTHER

RESOLVED, that said Preliminary Budget shall be filed in the Office of the
Town Clerk of the Town of Lancaster and be made available by her to the public for inspection
during the regular business hours of the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that a Public Hearing on the Preliminary Budget of the Town of
Lancaster for the year 2009, be held by this Town Board at the Town Hall, 21 Central Avenue,
Lancaster, New York on the 3rd day of November 2008, at 8:35 o'clock P.M., Local Time, and

BE IT FURTHER

RESOLVED, that a Legal Notice of said Public Hearing upon the 2009
Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be
published in the Lancaster Bee, on October 23, 2008 which Notice shall be in the form attached
hereto and made a part hereof and which date of publication is not less than five (5) days prior to
the public hearing.

The question of the adoption of the following resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
ON THE 2009 PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 2009, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS GIVEN, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:35 o'clock P.M., Local Time, on the 3RD day of November 2008, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	\$71,028
- as Budget Officer	\$7,750
Council Member	\$18,467
Council Member	\$18,467
Council Member	\$18,467
Council Member	\$18,467
Town Justice	\$39,964
Town Justice	\$39,964
Town Clerk - as Town Clerk	\$67,883
- as Records Management Officer	\$ 6,235
- as Registrar of Vital Statistics	\$900
- as Clerk to Zoning Board of Appeals	\$3,237
Superintendent of Highways	
- as Superintendent of Highways	\$66,588
- as Drainage Coordinator - P.T.	5,304

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN, Town Clerk

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, **Affordable Senior Housing of New York**, 348 Harris Hill Road, Williamsville, New York 14221, has submitted a Site Plan prepared by G & S Engineers, Inc. dated October 9, 2008 and received October 16, 2008 for the proposed construction of a single two (2) story, one-hundred thirty-one (131) apartment building with twenty-four (24) single car garages to be located at 6026 Broadway in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the original plan and at its meeting on October 1, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by G & S Engineers, Inc. dated October 9, 2008 and received October 16, 2008 for the proposed construction of a single two (2) story, one-hundred thirty-one (131) apartment building with twenty-four (24) single car garages to be located at 6026 Broadway in the Town of Lancaster with the following conditions:

- 1) Emergency generator to be provided. Location of emergency generator may be adjusted as per National Fuel Gas engineer’s decision. Planning Board prefers location of emergency generator at the end of the building.
- 2) Applicant to commit to interconnectivity in the future to proposed patio home development to the north with a private road.
- 3) Retaining wall located at southwest corner of property must be changed to the approval of Town Engineer Robert Harris.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated October 9, 2008, has recommended individuals for hire as regular part-time tutors for the Town of Lancaster Youth Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of regular part-time tutor, not to exceed nineteen hours per week, in the Town of Lancaster Youth Bureau effective, October 27, 2008; and that this appointment, being a part-time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>RATE</u>
Kristin Anna Depew, NY 14043	\$16.00
Kate Bender Lancaster, NY 14086	\$16.00
Marlene Jacobson Amherst, NY 14228	\$16.00
Kelly Pershyn Lakeview, NY 14085	\$16.00
Mandey Rainville Hamburg, NY 14075	\$16.00
Teri Wolf Clarence Center, NY 14032	\$16.00

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Ronald Wieczorek, for Regent Corp, 3839 Walden Avenue, Lancaster, New York, has submitted a Site Plan prepared by Anthony G. Milone, P.E. dated August 18, 2008 and received August 20, 2008 for the proposed construction of a 7,000 square foot Storage Facility to be located at 3839 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the original plan and at its meeting on September 3, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held October 6, 2008 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Ronald Wieczorek, for Regent Corp,** and prepared by Anthony G. Milone, P.E. dated August 18, 2008 and received August 20, 2008 for the proposed construction of a 7,000 square foot Storage Facility to be located at 3839 Walden Avenue in the Town of Lancaster with the following conditions:

- 1) Site must be cleaned up by late Spring 2009.
- 2) Applicant must install a sixty (60) foot long, twenty-four (24) inch in diameter pipe for storm water storage.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster awarded the bid for the Consolidated Water District Water System Improvement Contract No. TLN-1 in the Town of Lancaster to Sergi Construction, P.O. Box 436, West Falls, New York 14170 in the amount of \$1,370,695 being the lowest responsible bidder in conformance with the specifications on file in the office of William Schutt & Associates, P.C. at the February 4, 2008 Town Board meeting, and

WHEREAS, on November 7, 2007, William Schutt & Associates, P.C., the Town’s Consulting Engineer applied to **Norfolk Southern Railway Company** regarding the proposed construction of Norfolk Southern Activity No. 1103857, proposing installation of a 12-inch ductile iron water pipe encased in a 24-inch steel pipe within the limits of Erie Street (US AAR/DOT Crossing # 874 157 U), and

WHEREAS, **Norfolk Southern Railway Company**, by letter dated September 29, 2008 requested that the Town of Lancaster provide: 1) Two (2) original counterparts of the Public Right of Way Acknowledgment Form be signed and dated by the Town of Lancaster, 2) A check in the amount of \$1,000 (payable to Norfolk Southern Railway Company) to cover the insurance fee and 3) A Certificate of Commercial General Liability Insurance as required in the third section of the Acknowledgment Form under INSURANCE, indicating the Railway as the Certificate Holder in the name of the Norfolk Southern Railway Company, and

WHEREAS, **Lawley Agency, LLC** the insurance agent for the Town of Lancaster, has provided a Certificate of Insurance acknowledging General Liability Insurance Coverage in the amount of \$11,000,000.00 for each occurrence, and naming Norfolk Southern Railway Company as an additional insured, and

NOW, THEREFORE, BE IT

RESOLVED, that Robert H. Giza, Supervisor of the Town of Lancaster is hereby authorized to sign the Acknowledgment Form For Wire and/or Pipe Occupation Within The Limits of a Public Right of Way being Lancaster, Erie County, New York Milepost SR-412.16, Southern Tier Line, Harrisburg Division which is Norfolk Southern Activity No. 1103857 for the proposed installation of a 12-inch ductile iron water pipe encased in 24-inch steel pipe within the limits of Erie Street (US AAR/DOT Crossing # 874 157 U).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Lancaster Airport, Inc. received grants from the Federal Aviation Administration to pay 95% of the allowable costs incurred in accomplishing the following projects at Buffalo-Lancaster Regional Airport:

- 1) Perform Environmental Assessment - Phase II (Wetland Permitting)
FAA Project No. 3-36-0216-17-08
- 2) Acquire Land in Fee Simple Title for the RPZ and Parallel Taxiway for the extension of Runway End 26.
FAA Project No. 3-36-0216-18-08

WHEREAS, the New York State Department of Transportation is offering a matching grant to the Federal grants for 50% of the non-federal share of eligible costs, and

WHEREAS, the New York State Department of Transportation, under section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding, and

WHEREAS, that the adoption of this resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Lancaster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster endorses the above described projects for the purpose of making the projects eligible for State funding, and hereby authorizes Robert H. Giza, Supervisor of the Town of Lancaster to sign the State Environmental Quality Review Forms attached herewith;

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the State Legislature by passage of Chapter 462 of the Laws of 2008 has provided by legislation a new sliding scale which will grant further relief to those owners of properties with qualifying military service during the Cold-War eras, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to add and enact Article VI of Chapter 40, Taxation, §40-29 entitled Cold-War Veterans Exemption Schedule, which reads as follows:

TAXATION
CHAPTER 40 - ARTICLE VI
§40-29 - COLD-WAR VETERAN PROPERTY TAXATION EXEMPTION
PROPOSED LOCAL LAW
OF THE YEAR 2008

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY ENACTING A NEW §40-29 OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER AS AUTHORIZED BY SECTION 458-b OF THE REAL PROPERTY TAX LAW.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

§40-29 Purpose.
The purpose of this Local Law is to make provision for a Cold War veterans exemption from Erie County real property taxes and to make such exemption first available and applicable to Erie County real property taxes levied for the 2010 tax year.

§40-30 DEFINITIONS

A. Cold War Veteran- a person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, and was discharged or released therefrom under honorable conditions.

B. Armed Forces- The United States Army, Navy, Marine Corps, Air Force and Coast Guard.

C. Active Duty- Full-time duty in the United States armed forces, other than active duty for training.

D. Service-Connected- As it relates to a disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

E. Qualified Owner- A cold war veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War Veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

F. Qualified Residential Real Property- Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by the Local Law. Such property shall be the primary residence of the Cold War Veteran or the unremarried surviving spouse of a Cold War Veteran unless the Cold War Veteran or unremarried spouse is absent from the property due to medical reasons or institutionalization.

G. Latest State Equalization Rate- The latest final equalization rate established by the State Board of Real Property Services pursuant to Article 12 of the Real Property Tax Law.

§40-31 Amount of Exemption.

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, whichever is less.

B. In addition to the exemption provided by subdivision A of this section, where the Cold War Veteran received a compensation rating from the United States Veterans Affairs or the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000.00 or the product of \$40,000 multiplied by the latest state equalization rate for the assessing unit, whichever is less.

§40-32 Limitations.

A. The exemption from taxation provided by this Local Law shall not be applicable to real property taxes levied or relieved for school purposes

B. If the Cold War veteran receives the eligible funds veterans exemption pursuant to Section 458 of the Real Property Tax Law or the alternative veterans exemption pursuant to Section 458-a of the Real Property Tax Law, the Cold War Veteran shall not be eligible to receive the exemption provided by the Local Law.

C. The exemption provided by subdivision A of section 3 of this Local Law shall be granted for a period of 10 years, the commencement of such 10 year period being governed pursuant to this subdivision. Where a qualified owner owns qualifying residential real property on the effective date of this Local Law, such 10 year period shall commence with Erie County's 2010 tax year. Where a qualified owner does not own qualifying residential property on the effective date of this Local Law, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential property, such 10 year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of the such 10 year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to subdivision A of section 3 of this Local Law for the unexpired portion of the 10 year exemption period.

D. Application for the exemption shall be made by the owners, or all of the owners, of the property on a form prescribed by the State Board of Real Property Services. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to penalties prescribed in the Penal Law.

§40-33 Severability.

If an clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstances directly involved in the controversy in which such order or judgment shall be rendered.

§40-34 Effective Date

This Local Law shall take effect on December 1, 2008.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2008, which local law enacts thereof a new Section 40-29 of Article VI of Chapter 40-Taxation of the said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:40 o'clock P.M., Local Time, on the 3rd day of November, 2008, and that Notice of the Time and Place of such Hearing shall be published on October 23, 2008, in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2008, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted October 20, 2008 the said Town Board will hold a Public Hearing on the 3rd day of November, 2008 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2008, which Local Law enacts a new Section 40-29 of Article VI of Chapter 40-Taxation, of the Code of the said Town, briefly described as follows:

A Local Law enacts a new Article VI Section 40.

This Local Law sets forth the Exemption Schedule for Veterans of the Cold War Era by amending the above section of the Town Code.

A complete copy of this proposed Local Law of the Year 2008, designated as Section 40-29, of Article VI of Chapter 40-Taxation of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

October 20, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 4863 to Claim No. 5127 Inclusive

Total amount hereby authorized to be paid: \$767,628.77

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

16269	Lewandowski, Gary	501 Pleasant View Dr	Er. Shed	
16270	Housecrafters	132 Court St	Re-Roof House	(V/L)
16271	Formato, Anthony	87 Lake Ave	Re-Roof House	(V/L)
16272	Accurate Builders	50 Brandel Ave	Re-Roof House	(V/L)
16273	Sahlem's Roofing	16 Woodgate Dr	Re-Roof House	
16274	Energy Cost Control	6 Katelyn Ln	Inst. Generator	
16275	Lorenz, George	126 Ransom Rd	Er. Shed	
16276	Volpe Remodeling	82 Old Post Rd	Re-Roof House	
16277	Colley Pools	9 Thomas Dr	Er. Fence	
16278	Colley Pools	9 Thomas Dr	Er. Pool-In Grnd	
16279	John's Home Imprv	100 Sawyer Ave	Re-Roof House	(V/L)
16280	Essenburg Const	30 Evergreen Dr	Er. Res. Add.	
16281	Black Rock Roofing	580 Pleasant View Dr	Re-Roof House	
16282	Vecchio, Angelo	47 Hill Valley Dr	Er. Shed	
16283	Rocco, Joanne	5300 William St	Er. Sign	
16284	Micholasw, Patricia	4 Partridge Walk	Er. Deck	
16285	Sahlems Roofing	30 Spruceland Ter	Re-Roof House	
16286	Anderson Power	24 Cambridge Ct	Inst. Generator	
16287	Leveled Contracting	79 Michael's Walk	Re-Roof House	
16288	Auman, Mary	106 Richmond Ave	Re-Roof House	(V/L)
16289	City Fence	3619 Walden Ave	Er. Fence	(V/L)
16290	Duro-Shed Inc	60 Nicholas Ln	Er. Shed	
16291	Marten, Ronald	30 Nicholas Ln	Er. Shed	
16292	Seemueller, James	254 Warner Rd	Re-Roof House	
16293	KC Const	23 Hill Valley Dr	Er. Shed	
16294	Sabastiano & Sons	5252 Genesee St	Er. Garage	
16295	Simme, Steven	65 Madison St	Re-Roof House	(V/L)
16296	Juliano, Donald	3800 Bowen Rd	Er. Fireplace	
16297	Milligan, William	355 Lake Ave	Er. Shed	
16298	Conrad, Robert	18 Heathrow Ct	Er. Shed	
16299	Duro-Shed Inc	46 Sussex Ln	Er. Shed	
16300	D Allen & Sons	101 Elm Pl	Re-Roof House	(V/L)
16301	Duro-Shed Inc	29 Trentwood Trl N	Er. Shed	
16302	Housecrafters	28 Quail Run Ln	Re-Roof House	

16303	Schuster Const	19 Stephens Ct	Er. Res. Alt.	(V/L)
16304	Big G Roofing	62 Rehm Rd	Re-Roof House	
16305	Hazelton, John	290 Aurora St	Er. Res. Alt.	(V/L)
16306	Anderson Water Systems	10 Spring Way	Install Generator	
16307	Anderson Water Systems	8 Spring Way	Install Generator	
16308	Anderson Water Systems	11 Spring Way	Install Generator	
16309	Anderson Water Systems	4669 Walden Ave	Install Generator	
16310	Loecher, John	14 St John St	Dem. Dwlg.	(V/L)
16311	Pease, Kenneth	13 Wren Ave	Er. Fireplace	(V/L)
16312	Star Fence Co	6267 Genesee St	Er. Fence	
16313	Baker, Benjamin	109 Aurora St	Re-Roof House	(V/L)
16314	Randaccio Bldrs	7 Dorchester Ct	Er. Dwlg.-Sin.	
16315	Anstett, Lynda	48 Brunswick Rd	Er. Res. Alt.	(V/L)
16316	Duro-Shed Inc	13 Nottingham Ln	Er. Shed	
16317	Grabber & Sons Inc	34 Laverack Ave	Er. Fence	(V/L)
16318	Simme-Good, Joanne	2101 Como Park Blvd	Re-Roof House	(V/L)
16319	Aqua Systems Of WNY	5 Red Clover Ln	Inst. Ingnd Sprinkler	
16320	Barnes, Thomas	81 Woodlawn Ave	Er. Deck	(V/L)
16321	Besroi Const.	9 Livingston St	Re-Roof House	(V/L)
16322	Besroi Const.	11 Washington St	Re-Roof House	(V/L)
16323	Shelly Const.	130 Sixth Ave	Re-Roof House	(V/L)
16324	Shick, Herbert	217 Pavement Rd	Er. Pole Barn	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 20, 2008

COMMUNICATIONS & REPORTS

467. Robert B. Reynolds, Erie County Legislator, District 12 to Town Clerk -
Acknowledgment of receipt of resolution opposing consolidation of local registrars duties to County. DISPOSITION = Received & Filed
468. Captain Riccardo M. Zuppelli to Town Board -
Notification of intention to retire in calendar year of 2009. DISPOSITION = Received & Filed
469. National Fuel to Supervisor -
Invitation to legislative briefing on Thursday, October 16, 2008, 8:00 AM in Williamsville. DISPOSITION = Received & Filed
470. LIN Television to Supervisor -
Letter updating status of negotiations with Time Warner Cable. DISPOSITION = Received & Filed
471. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held October 1, 2008. DISPOSITION = Received & Filed
472. Planning Board to Town Board -
Recommendation of approval regarding site plan of Pavement Road Senior Apartments, 6026 Broadway, conditions noted. DISPOSITION = Planning Committee
473. Planning Board to Town Board -
Recommendation of approval regarding site plan of Benderson Retail Development, 4817 Transit Road; conditions and comments noted. DISPOSITION = Planning Committee
474. Town Attorney to Town Board, Planning Board, Building Inspector, Town Clerk, Town Engineer -
Notice of SEQR meeting to be held Monday, October 20, 2008, 6:30 PM regarding Benderson Retail Development, 4817 Transit Road. DISPOSITION = Received & Filed
475. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, October 20, 2008, 6:30 PM regarding Benderson Retail Development, 4817 Transit Road. DISPOSITION = Received & Filed
476. Larkspur Condominium Association to Town Board -
Letter of appreciation for new street signs. DISPOSITION = Received & Filed
477. Windsor Ridge Partners to Highway Superintendent -
Letter requesting partial dedication of completed lots within the Windsor Ridge South Subdivision. DISPOSITION = Planning Committee
478. Erie County Department of Environment & Planning to Town Clerk -
Notice of designation of November 1 - 30, 2008 as period in which landowner may request inclusion in certified agricultural district. DISPOSITION = Received & Filed
479. NYS Office of Parks, Recreation and Historic Preservation to Town Board -
Notice of recommendation for nomination of School No. 6 (Little Red Schoolhouse) to NYS Register of Historic Places and National Register of Historic Places. DISPOSITION = Received & Filed
480. Robin Schimminger, NYS Assembly 140th District to Town Clerk -
Acknowledgment of Town's opposition to proposed legislation consolidating local registrars duties to County. DISPOSITION = Received & Filed
481. Dale M. Volker, NYS Senator to Town Clerk -
Acknowledgment of Town's opposition to proposed legislation consolidating local registrars duties to County. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:09 P.M. in memory of Kyle Stablewski.

Signed _____
Johanna M. Coleman, Town Clerk